

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2144 of 2016 and
CMP.No.11200 of 2016

1.The General Manager,
H.R.Department,
Ultratech Cement,
Reddipalayam(P.O),
Ariyalur Taluk.

2.The General Manager,
Velipringiyam,
Lime Stone Mines,
Reddipalayam Post,
Ariyalur Taluk.

...Petitioners

versus

K.Nagarajan

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.04.2016 and made in I.A.No.168 of 2016 in O.S.No.135 of 2012 on the file of the Principal District Munsif, Ariyalur.

For Petitioners : Mr.V.Bhiman

For Respondent :Mr.C.Selvaraj, Senior Counsel for
Mr.C.Vediappan for
M/s.C.S. Associates

ORDER

This Civil Revision Petition is directed against the order dated 05.04.2016 in I.A.No.168 of 2016 in O.S.No.135 of 2012 on the file of learned Principal District Munsif, Ariyalur, dismissing the application to decide the maintainability of the suit.

2. The respondent filed a suit in O.S.No.135 of 2012 before the trial Court, praying for a decree of declaration with regard to his seniority. This suit was opposed by the petitioners by filing written statement. Before the trial Court, the petitioners filed an interlocutory application in I.A.No.168 of 2016, to decide the maintainability of the suit. That application was dismissed by the learned trial Judge by order dated 05.04.2016. Feeling aggrieved, the petitioners have now come up with this Civil Revision Petition.

3. The learned counsel for the petitioners contended that the remedy of the respondent is only to approach the Labour Court by raising an industrial dispute and the suit of this nature is not maintainable before the learned trial Judge.

4. The learned senior counsel for the respondent submitted that

the trial Court had already framed an issue as to whether the suit is maintainable. The trial Court thereafter, commenced the process of recording the evidence. It was only at that point of time, the petitioners filed the application to decide the issue as a preliminary issue.

5. The factual matrix indicates that the trial Court has framed the first issue as to whether the suit is maintainable. Since the trial Court recorded the evidence of the plaintiff and the matter is posted for cross examination of the petitioners, who were arrayed as the defendants, there is no question of adjudicating the issue separately. The Trial Court would decide the said issue along with the other issues. In short, if the trial Court is of the view that the suit is not maintainable on the basis of the adjudication of first issue, then there is no need for answering the other issues.

6. In any case, it is for the trial Court to decide the issue on the basis of the pleadings made before the said Court. The suit is of the year 2012.

7. The learned trial Judge is directed to dispose of the suit in

O.S.No.135 of 2012 as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

28.09.2016

Index:Yes/No
dn

To

1.The Principal District Munsif,
Ariyalur.

K.K.SASIDHARAN, J.

(dn)

C.R.P.(P.D.) No.2144 of 2016

28.09.2016